GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Endt.Dept. – Certain misconduct committed by Sri E.S.R.Sarma, B.Ed Assistant in Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru - Disciplinary action initiated – Charges Proved – Punishment of withholding of two increment imposed after retirement from service – Quashed - Punishment of 5% cut in pension for seven years under Rule 9 of A.P.Revised Pension Rules, 1980 – Imposed – Orders.

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REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt.No.534 **Dated: 05-05-2016**

Read the following :

1. Proceeidngs Rc.No.70/2006, dt.22-05-2006 of EO cum Correspondent, SGAJM, Vidyalayam, Eluru.
2. From of Sri E.S.R.Sarma, B.Ed Assistant in Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru, dt.21-8-2006 WSD.
3. Rc.No.B5/11849/06, Adm, dt.7-08-2006 of DC, ED, Kakinada.
4. Rc.No.70/2006, dt.29-09-2009 of Fit Person presently working Sri Byragi Matham, K.Pentapadu, Pentapadu Mandal, W.G.Dist.
5. D.Dis.No.B1/11849/2009, dt.23-10-2009 of DC, ED, Kakinada.
6. Proceeidngs Rc.No.70/06, dt.13-11-09 of EO-cum-Correspondent, SGAJM, Vidyalayam, Eluru.
7. From CSE, AP, Hyd, Lr.No.204/PS-1(B1-2)(C1-2)/10, dt.29-10-13.
8. From CSE, AP, Hyd, Lr.No.204/PS-1(B1-2)(C1-2)/10, dt.05-06-2015.
9. Govt.Memo.No.46254/ Vig.IV(1)/2013-5, dated 28-12-2015
10. Rep.dt.17-02-2016 from Sri ESR.Sarma, Sr.School Asst.(Retd) .
11. Govt.Lr.No.46254/Vig.IV(1)/2013-6, dated 18-03-2016.
12. From Prl.Secretary, AP.Public Service Commission, Lr.No. 222/ DC&C /1/2016, dated 13-04-2016.

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Whereas in the reference 1st read above, the Executive Officer cum Correspondent, Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru has initiated disciplinary action against Sri E.S.R.Sarma, B.Ed Assistant for the misconduct committed and framed the following five charges against him :

Charge.I:-That Sri E.S.R.Sarma during his service never attended classes at scheduled times, never completed the syllabus in the prescribed time and used to sleep in the class room and failed to value the answer sheets of the students. Sri E.S.R.Sarma is spending much time on "Eamani Educational Society" and thereby neglected his legitimate duties. This had promoted serious indiscipline among the students and led to the serious down fall of strength.

Charge.II:-The SSC students of 2005-06 reported that Sri E.S.R.Sarma B.Ed., Assistant used vulgar language in the class room while handling. He commented on woman teachers in an obscene manner in the presence of students. He acted in an unbecoming manner when he was kept in charge of the office of Headmaster and threatened his colleagues that he would spoil their service record. This led to indiscipline and bad reputation to the institution and ultimately the school strength dropped.

Charge.III:-That Sri E.S.R.Sarma exhibited hatred against hostel students, keeping in view their social background and thereby discouraged their admission to the school, which led to the serious down fall of the school strength.

(p.t.o)

Charge.IV:-That Sri E.S.R.Sarma frequently created a discomforting situation to women faculty.

Charge.V:-That Sri E.S.R.Sarma has been threatening his colleagues both in teaching and non teaching wings and the pupils also for having deposed against him during the enquiry by the Principal, District Institute of Education and Training, Dubachelra with dire consequences and challenged them to settle scores.

2. And whereas Sri E.S.R.Sarma, has submitted his Written Statement of Defence vide reference 2nd read above denying the charges and requested to drop further action against him. After examining the Written Statement of defence, the Deputy Commissioner, Endowments Department, Kakinada has appointed Sri B.V.V.Satyanarayana, Executive Officer, Sri T.K.M.V.Bhavan, Tanuku as Inquiry Officer to enquire into the charges in the reference 3rd read above. The Inquiry Officer has submitted the Inquiry Report in the reference 4th read above, holding all the charges framed against Sri E.S.R.Sarma, B.Ed Assistant, are proved. The Executive Officer cum Correspondent, Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru after examining the Inquiry Report has imposed the punishment of stoppage of two annual grade increments with cumulative effect, vide reference 6th read above.

3. And whereas in the references 7th and 8th read above, the Commissioner, School Education, Andhra Pradesh, Hyderabad has submitted a report stating that the Charged Officer had retired from service on 30-06-2009 and that the punishments specified in the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 is not applicable in the case of retired Government Servants and shall be dealt as per the provisions contained in Andhra Pradesh Revised Pension Rules, 1980 and as such the punishment imposed against the Charged Officer, vide reference 6th read above is against to rules and requested to take action accordingly against the Charged Officer under Andhra Pradesh Revised Pension Rules, 1980.

4. Government have re-examined the issue with available material and observed that the punishment imposed by appointing authority is not implementable as the Charged Officer has already retired and Government is Competent Authority to impose a punishment against retired Government Employees as per Andhra Pradesh Revised Pension Rules, 1980. Accordingly, Government have quashed the punishment imposed by the Executive Officer cum Correspondent vide reference 6th read above. Further Government have provisionally decided to impose a punishment of 10% cut in pension permanently against Sri E.S.R.Sarma, under rule 9 of Andhra Pradesh Revised Pension Rules, 1980. Accordingly a Show Cause Notice has been issued to Sri E.S.R.Sarma, vide reference 9th read above to submit his representation.

5. And whereas the Sri E.S.R. Sarma has submitted representation vide reference 10th read above denying the charges stating that the punishment proposed is very high and does not commensurate with the misconduct alleged to have been committed. Hence, requested to exonerate him from the proposed punishment or to reduce the quantum of punishment sympathetically.

6. And whereas Government, after examination of the representation of the Charged Officer and also taking a lenient view towards the retired person at this fag end of life on humanitarian grounds, have decided to impose a penalty of 5% cut in pension for a period of seven (7) years against Sri E.S.R.Sarma, under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 as the charges farmed against him are held as proved**.** The concurrence of the Andhra Pradesh Public Service Commission has been obtained in the reference 12th read above (copy enclosed).

7. Accordingly, Government hereby order to impose a punishment of 5% (five percent) cut in pension for a period of seven (7) years against Sri E.S.R.Sarma, former B.Ed Assistant in Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru (now Retd) under rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

8. The Commissioner, Endowments shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V.PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri E.S.R.Sarma, former B.Ed Assistant in Sri Gandhi Andhra Jateeya Maha Vidyalayam, Agraharam, Eluru (now Retd).
through the Commissioner, Endowments Department, A.P., Hyderabad.
The Commissioner, Endowments, A.P, Hyderabad.
(with a request to serve the order on the individual and send the served copy with dated signature to Government)
Copy to:
The Principal Secretary, A.P. Public Service Commission, Hyderabad.
The Accountant General, AP, Hyderabad.
The Director, Treasuries & Accounts, A.P, Hyderabad.
The Commissioner & Director, School Education, AP, Hyderabad
The Deputy Commissioner, Endowments Department, Krishna District
The Revenue (Endt.I) Department.
SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER